REMARKS

The Office Action mailed July 13, 2007, was received and its contents carefully reviewed. Claims 1-66, 68-132, 134 and 135 were pending prior to the Office Action of July 13, 2007.

In the above amendments, Applicant amended claims 15, 20, 21, 29, 40, 41, 81, 86, 95, and 107 to correct minor typographical errors. No new matter was introduced by these amendments.

In the remarks below, Applicant provides additional details to distinguish the claims of the present application from the cited prior art, to highlight additional features of the invention, and to provide additional context to the claims. The features are disclosed at least in paragraphs [0006, 0013-0015, 0038, 0039, 0075, 0094-0125] and throughout the Specification and Figures. As now recited, claims 1-66, 68-132, 134 and 135 remain pending and are believed to be in condition for allowance. Applicant respectfully requests reconsideration of this application in light of the above amendments and the following remarks.

A. Continued Examination

Applicants acknowledge and thank the Examiner for entry of Applicant's submission filed on February 20, 2007, under 37 CFR § 1.114.

B. Allowable Subject Matter

Applicant thanks the Examiner for acknowledging that amended independent claims 65 and 131 are allowed.

C. Claim Rejections under 35 U.S.C. § 103

Claims 1-3, 12, 13, 21, 28-30, 34, 38, 39, 48-51, 53-59, 66, 68, 69, 78, 79, 87, 94-96, 100, 104, 105, 114-117, 119-125, and 132 stand rejected under U.S.C. § 103(a) as being unpatentable over Evans et al. U.S. Patent Number 6,690,918 ("the Evans patent") in view of Stevens U.S. Patent Application Publication Number 2004/0014457 ("the Stevens application"). In view of the comments below, Applicant respectfully requests reconsideration and withdrawal of these rejections.

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1.   The Evans Patent Fails to Disclose or Suggest All the Features Recited in Independent Claims 1 and 68

Claim 1 of the present application recites a communications device including a memory, a transceiver, a controller, and a user alert. The memory is adapted to store a profile of a user of the device, and the profile includes predetermined attributes and requirements of the user. The transceiver is adapted to transmit information relating to the requirements of the user to a compatible device and to receive information relating to the requirements of the compatible device. Claim 1 further recites that the controller is adapted to register a match between the communications device and the compatible device only when the attributes of the user match the requirements of the compatible device. The user alert is adapted to alert a user when the controller has established that a match has been made. Once the controller has established that a match has been made, the transceiver transmits a first match signal to the compatible device. The communications device does not need to receive information relating to attributes of the compatible device in order to register a match with the compatible device. Similarly, claim 68 recites the method carried out by the communication device of claim 1.

Claim 1 recites a communication device that receives requirements, such as search criteria, from a compatible device and then compares the received requirements against stored attributes, which represent personal data of the user device. Claim 1 further recites that the device does not need to receive attributes of the compatible device in order to register a match. That is, claim 1 and claim 68 recite a communication device that performs matching on the basis of devices sending requirements to other devices and not the sending of attributes.

As the Examiner concedes on the bottom of page 4 of the July 13, 2007, Office Action, the Evans patent fails to disclose or suggest a device that does not need to receive information relating to attributes of the compatible device in order to register a match with the compatible device. The Examiner then relies upon the Stevens application to remedy the deficiencies of the Evans patent.

2.   The Stevens Application Fails to Remedy the Deficiencies of the Evans Patent
with Regard to Independent Claims 1 and 68

The Stevens application fails to remedy the shortcomings of the Evans patent in that the Stevens application fails to disclose or suggest a communications device that does not need to receive information relating to attributes of the compatible device in order to register a match with the compatible device as recited in independent claims 1 and 68.

The Stevens application deals with systems and methods for storage of user information and for verifying user identity by performing biometric verification. The user stores personal, financial, or other information in a web page. The Stevens application attempts to include functionality to compare various user profiles and to find matches and then signal the user when a match is found. See paragraph [0012] of the Stevens application. In matchmaking environments, other users view the user's information to see if there are common interests (see paragraph [0015] of the Stevens application).

The Stevens application appears to disclose a centralized database on which a user can enter profile information (see paragraph [0104] of the Stevens application. The present application, on the other hand, transmits information from a device to a compatible device. There is no centralized database.

Additionally, the system of the Stevens application provides a portable device that can be carried by the user and can be used for matchmaking (see paragraph [0016] of the Stevens application). The portable device of the Stevens application transmits selected portions of the user's profile. That is, the portable device transmits attributes of the user. Others receive these attributes and process the received attribute information. See paragraph [0017] of the Stevens application. Additionally, Figures 2-5 of the Stevens application all show the step of receiving other user's profiles and unique user IDs from the surrounding area (see reference numeral 72 in Figure 2 and in Figure 3; see also reference numeral 98 in Figure 4; see also reference numeral 112 in Figure 5 and the accompanying text for all these figures). In all cases, user profiles, that is user attributes, are transmitted by a portable device and received by another user.

In contrast, claims 1 and 68 of the present application specifically recite that the device does not need to receive information relating to attributes of the compatible device in order to register a match with the compatible device. That is, the system and method of the present invention enables users to find, and if desired, meet others who share the same interests as them, without divulging their personal details to the world at large. The communication device recited in claim 1 of the present application is adapted to ensure that the users of both the device and the compatible device match each other before either user is alerted. As recited in claim 1 and in claim 68, the device is adapted to register a match relying only on the exchange of requirements of the users, and not the attributes. No artificial intelligence is required to match the users, as matches are determined by comparing received requirements with stored attributes. This contrasts to conventional systems, such as the system of the Stevens application, which attempt to match users based on what each user has told the system about him or herself, that is the user attributes.

The Examiner asserts that the Stevens application discloses, "... the portable user device may access a portion or all of the appropriate user profile that is stored in a server or database that is in communication with the network each time the user requests any type of action that involves his user profile. The processor may also include software that is capable of comparing the other user profiles received by the portable user device via the antenna and the receiver with the user's profile, particularly the part of the user's profile that specifies the type of profiles sought in other users ...." See page 6 of the July 13, 2007, Office Action. This section of the Stevens application, however, goes on to disclose that comparison software is included that finds a match between the user's sought profile and another user's profile, and a match is indicated when this occurs. See paragraph [0048] of the Stevens application. This is precisely the type of attribute information that claims 1 and 68 of the present application do not need to receive in order to register a match with a compatible device.

The Stevens application appears to describe sending attributes that are then matched against sorted requirements. In the Office Action mailed July 13, 2007, the Examiner asserts that the received user profile information is compared to the user's selected preferences (see page 5, lines 10-13 of the July 13, 2007 Office Action). The profile information of the

Stevens application are the attributes in the context of claims 1 and 68 of the present application. This portion of the Stevens application also appears to indicate that a particular user meets desired characteristics, and indication of a match made to the user.

Both the Evans patent and the Stevens application rely upon receipt of user attributes in order to match users with one another. Claims 1 and 68 of the present application specifically recite that such attributes are not necessary for the communications device to make a match. As such, the Evans patent and the Stevens application, either alone or in combination, fail to disclose or suggest all the features of claims 1 and 68 of the present application.

As indicated above with regard to claims 1 and 68, the present invention includes a memory adapted to store a profile of a user in the device that contains predetermined attributes and requirements of the user. "Attributes" are personal data of the user and often contain certain characteristics of the user. These are typically sensitive data, and it is important that such data is kept as secure as possible. The "requirements" are the user's search criteria and define which attributes relating to other users of compatible devices that the user of the device is seeking. It is not necessary to safeguard the security of the requirements to the same degree as the attributes, because the search criteria of a user do not identify the user themselves. For example, if someone intercepted a set of requirements that a user wants in a romantic partner, these requirements could not be linked to the sender. However, attributes such as the user's age, height, hair color, education, and the like, could be quite easy to link to a specific user, particularly if only a small number of users were in range of the communication devices.

In claims 1 and 68 of the present invention, a device receives requirements (e.g., search criteria) from a compatible device and then compares these requirements against stored attributes, which represent personal data of the user of the device. These independent claims specifically recite that the device does not need to receive attributes of the compatible device in order to register a match.

On this basis, the personal data of a user of a device is never revealed to any other device during the matching process. Therefore, the present invention, by way of claims 1 and 68, defines a communications device in which the personal data of the user (attributes) are

kept private. The device receives search criteria (requirements) from other devices, and these are matched against the stored attributes on the device. As a result, the private data of the user is not shared during the matching process. All that is shared is the search criteria (requirements). A device that transmits the search criteria of a user is a great deal more secure than a device that transmits personal data relating to the user and search criteria. Such security is not possible with the system of the Stevens application nor with that of the Evans patent.

While the Examiner concedes that "... Evans et al. fail to specifically disclose that [the] received profile does not include personal information (attributes)," as outlined above, the Stevens application fails to cure the deficiencies of the Evans patent. Accordingly, Applicant respectfully submits that the combination of the Evans patent and the Stevens application fails to disclose or suggest all the recited features of independent claim 1 and independent claim 68 and thereby fails to render claims 1 and 68 obvious under 35 U.S.C. § 103. As such, Applicants respectfully request the reconsideration of claims 1 and 68 and withdrawal of the rejections under 35 U.S.C. § 103.

3.   The Combination of the Evans Patent and the Stevens Application Fails to Render Dependent Claims 2, 3, 12, 13, 21, 28-30, 34, 38, 39, 48-51, 53-59, and 66 as well as Dependent Claims 69, 78, 79, 87, 94-96, 100, 104, 105, 114-117, 119-125, and 132 Obvious Under 35 U.S.C. § 103.

Dependent claims 2, 3, 12, 13, 21, 28-30, 34, 38, 39, 48-51, 53-59, and 66 are dependent upon amended independent claim 1 and thereby include all the limitations of independent claim 1, while reciting additional features of the present invention. Similarly, dependent claims 69, 78, 79, 87, 94-96, 100, 104, 105, 114-117, 119-125, and 132 are dependent upon amended independent claim 68 and thereby include all the limitations of independent claim 68, while reciting additional features of the present invention. As noted above, independent claims 1 and 68 include limitations not disclosed or suggested by the combination of the Evans patent and the Stevens application. Accordingly, with the dependency of claims 2, 3, 12, 13, 21, 28-30, 34, 38, 39, 48-51, 53-59, and 66 on independent claim 1, Applicant respectfully asserts that the features recited in amended independent claims 2, 3, 12, 13, 21, 28-30, 34, 38, 39, 48-51, 53-59, and 66 are neither disclosed nor

suggested by the combination of the Evans patent and the Stevens application as discussed above with regard to claim 1. Likewise, with the dependency of claims 69, 78, 79, 87, 94-96, 100, 104, 105, 114-117, 119-125, and 132 on independent claim 68, Applicant respectfully asserts that the features recited in amended independent claims 69, 78, 79, 87, 94-96, 100, 104, 105, 114-117, 119-125, and 132 are neither disclosed nor suggested by the combination of the Evans patent and the Stevens application as discussed above with regard to claim 68 and claim 1. Accordingly, Applicant respectfully requests the reconsideration of claims 2, 3, 12, 13, 21, 28-30, 34, 38, 39, 48-51, 53-59, 66, 69, 78, 79, 87, 94-96, 100, 104, 105, 114-117, 119-125, and 132 and withdrawal of the rejections under 35 U.S.C. § 103.

D. Additional Claim Rejections under 35 U.S.C. § 103 Using the Carlton Application

Claims 4-11, 14-20, 22-27, 31-33, 37, 40-43, 45-47, 52, 60-64, 70-77, 80-86, 88-93, 97-99, 103, 106-109, 111-113, 118, 126-130, 134, and 135 stand rejected under U.S.C. § 103(a) as being unpatentable over Evans et al. U.S. Patent Number 6,690,918 ("the Evans patent") in view of Stevens U.S. Patent Application Publication Number 2004/0014457 ("the Stevens application") and in further view of Carlton et al. U.S. Patent Application Publication Number 2004/0203363 ("the Carlton application"). In view of the comments below, Applicant respectfully requests reconsideration and withdrawal of these rejections.

> 1. The Carlton Application Fails to Remedy the Deficiencies of the Combination of the Evans Patent and the Stevens Application with Regard to Independent Claims 1 and 68 as well as the Dependent Claims Listed Above

The Carlton application fails to remedy the shortcomings of the combination of the Evans patent and the Stevens application in that the Carlton application fails to disclose or suggest a communications device that does not need to receive information relating to attributes of the compatible device in order to register a match with the compatible device as recited in independent claims 1 and 68 and therefore fails to render dependent claims 4-11, 14-20, 22-27, 31-33, 37, 40-43, 45-47, 52, 60-64, 70-77, 80-86, 88-93, 97-99, 103, 106-109, 111-113, 118, 126-130, 134, and 135 unpatentable under U.S.C. § 103(a).

As outlined above with regard to independent claims 1 and 68, neither the Evans patent nor the Stevens application, either alone or in combination, discloses or suggests a communications device where the received profile does not include personal information (attributes) as discussed above with regard to independent claims 1 and 68. Further, the Carlton application fails to cure the deficiencies of the combination of the Evans patent and the Stevens application because the Carlton application fails to disclose or suggest a communications device that receives requirements, and matches these against locally stored attributes, while not requiring receiving of information relating to attributes in order to register a match as specifically recited in independent claims 1 and 68.

As such, Applicant respectfully asserts that this rejection is improper in that this additional reference fails to cure the deficiencies of the combination of the Evans patent and the Stevens application discussed above in that the new combination fails to disclose or suggest a device that "does not need to receive information relating to attributes of the said compatible device, in order to register a match with the said compatible device" as specifically recited in independent claims 1 and 68. Thus, even if the references were combined in the manner suggested by the Examiner, the combination fails to disclose or otherwise suggest the present invention as recited in independent claims 1 and 68 upon which all of these dependent claims ultimately depend. Correspondingly, Applicant respectfully asserts that the Examiner has failed to properly establish a *prima facie* case of obviousness, and requests the withdrawal of these rejections, and the allowance of these dependent claims.

E. Additional Claim Rejections under 35 U.S.C. § 103 Using the DeVries Patent

Claims 35 and 101 stand rejected under U.S.C. § 103(a) as being unpatentable over Evans et al. U.S. Patent Number 6,690,918 ("the Evans patent") in view of Stevens U.S. Patent Application Publication Number 2004/0014457 ("the Stevens application") and in further view of DeVries U.S. Patent Number 6,968,179 ("the DeVries patent"). In view of the comments below, Applicant respectfully requests reconsideration and withdrawal of these rejections.

1.   The DeVries Patent Fails to Remedy the Deficiencies of the Combination of
the Evans Patent and the Stevens Application with Regard to Independent
Claims 1 and 68 as well as the Dependent Claims Listed Above

The DeVries patent fails to remedy the shortcomings of the combination of the Evans patent and the Stevens application in that the DeVries patent fails to disclose or suggest a communications device that does not need to receive information relating to attributes of the compatible device in order to register a match with the compatible device as recited in independent claims 1 and 68 and therefore fails to render dependent claims 35 and 101 unpatentable under U.S.C. § 103(a).

As outlined above with regard to independent claims 1 and 68, neither the Evans patent nor the Stevens application, either alone or in combination, discloses or suggests a communications device where the received profile does not include personal information (attributes) as discussed above with regard to independent claims 1 and 68. Further, the DeVries patent fails to cure the deficiencies of the combination of the Evans patent and the Stevens application because the DeVries patent fails to disclose or suggest a communications device that receives requirements, and matches these against locally stored attributes, while not requiring receiving of information relating to attributes in order to register a match as specifically recited in independent claims 1 and 68.

As such, Applicant respectfully asserts that this rejection is improper in that this additional reference fails to cure the deficiencies of the combination of the Evans patent and the Stevens application discussed above in that the new combination fails to disclose or suggest a device that "does not need to receive information relating to attributes of the said compatible device, in order to register a match with the said compatible device" as specifically recited in independent claims 1 and 68. Thus, even if the references were combined in the manner suggested by the Examiner, the combination fails to disclose or otherwise suggest the present invention as recited in independent claims 1 and 68 upon which all of these dependent claims ultimately depend. Correspondingly, Applicant respectfully asserts that the Examiner has failed to properly establish a *prima facie* case of obviousness, and requests the withdrawal of these rejections, and the allowance of these dependent claims.

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F. Additional Claim Rejections under 35 U.S.C. § 103 Using the DeVries Patent and the Carlton Application

Claims 36 and 102 stand rejected under U.S.C. § 103(a) as being unpatentable over Evans et al. U.S. Patent Number 6,690,918 ("the Evans patent") in view of Stevens U.S. Patent Application Publication Number 2004/0014457 ("the Stevens application") and in further view of DeVries U.S. Patent Number 6,968,179 ("the DeVries patent") and in further view of Carlton et al. U.S. Patent Application Publication Number 2004/0203363 ("the Carlton application"). In view of the comments below, Applicant respectfully requests reconsideration and withdrawal of these rejections.

1.   The DeVries Patent and the Carlton Application Fail to Remedy the Deficiencies of the Combination of the Evans Patent and the Stevens Application with Regard to Independent Claims 1 and 68 as well as the Dependent Claims Listed Above

As outlined above, the DeVries patent and the Carlton application fail to remedy the shortcomings of the combination of the Evans patent and the Stevens application in that neither the DeVries patent nor the Carlton application discloses or suggests a communications device that does not need to receive information relating to attributes of the compatible device in order to register a match with the compatible device as recited in independent claims 1 and 68 and therefore fails to render dependent claims 36 and 102 unpatentable under U.S.C. § 103(a).

As outlined above with regard to independent claims 1 and 68, neither the Evans patent nor the Stevens application, either alone or in combination, discloses or suggests a communications device where the received profile does not include personal information (attributes) as discussed above with regard to independent claims 1 and 68. Further, both the DeVries patent and the Carlton application fails to cure the deficiencies of the combination of the Evans patent and the Stevens application because both the DeVries patent and the Carlton application fails to disclose or suggest a communications device that receives requirements, and matches these against locally stored attributes, while not requiring receiving of information relating to attributes in order to register a match as specifically recited in independent claims 1 and 68.

As such, Applicant respectfully asserts that this rejection is improper in that this additional references fail to cure the deficiencies of the combination of the Evans patent and the Stevens application discussed above in that the new combination fails to disclose or suggest a device that "does not need to receive information relating to attributes of the said compatible device, in order to register a match with the said compatible device" as specifically recited in independent claims 1 and 68. Thus, even if the references were combined in the manner suggested by the Examiner, the new combination fails to disclose or otherwise suggest the present invention as recited in independent claims 1 and 68 upon which all of these dependent claims ultimately depend. Correspondingly, Applicant respectfully asserts that the Examiner has failed to properly establish a *prima facie* case of obviousness, and requests the withdrawal of these rejections, and the allowance of these dependent claims.

G. Additional Claim Rejections under 35 U.S.C. § 103 Using the Carlton Application and the Fraccaroli Patent

Claims 44 and 110 stand rejected under U.S.C. § 103(a) as being unpatentable over Evans et al. U.S. Patent Number 6,690,918 ("the Evans patent") in view of Stevens U.S. Patent Application Publication Number 2004/0014457 ("the Stevens application") and in further view of Carlton et al. U.S. Patent Application Publication Number 2004/0203363 ("the Carlton application") and in further view of Fraccaroli U.S. Patent Number 6,549,768 ("the Fraccaroli patent"). In view of the comments below, Applicant respectfully requests reconsideration and withdrawal of these rejections.

> 1.   The Carlton Application and the Fraccaroli Patent Fail to Remedy the Deficiencies of the Combination of the Evans Patent and the Stevens Application with Regard to Independent Claims 1 and 68 as well as the Dependent Claims Listed Above

The Carlton application and the Fraccaroli patent fail to remedy the shortcomings of the combination of the Evans patent and the Stevens application in that neither the Carlton application nor the Fraccaroli patent discloses or suggests a communications device that does not need to receive information relating to attributes of the compatible device in order to

register a match with the compatible device as recited in independent claims 1 and 68 and therefore fails to render dependent claims 44 and 110 unpatentable under U.S.C. § 103(a).

As outlined above with regard to independent claims 1 and 68, neither the Evans patent nor the Stevens application, either alone or in combination, discloses or suggests a communications device where the received profile does not include personal information (attributes) as discussed above with regard to independent claims 1 and 68. Further, both the Carlton application and the Fraccaroli patent fails to cure the deficiencies of the combination of the Evans patent and the Stevens application because both the Carlton application and the Fraccaroli patent fails to disclose or suggest a communications device that receives requirements, and matches these against locally stored attributes, while not requiring receiving of information relating to attributes in order to register a match as specifically recited in independent claims 1 and 68.

As such, Applicant respectfully asserts that this rejection is improper in that this additional references fail to cure the deficiencies of the combination of the Evans patent and the Stevens application discussed above in that the new combination fails to disclose or suggest a device that "does not need to receive information relating to attributes of the said compatible device, in order to register a match with the said compatible device" as specifically recited in independent claims 1 and 68. Thus, even if the references were combined in the manner suggested by the Examiner, the new combination fails to disclose or otherwise suggest the present invention as recited in independent claims 1 and 68 upon which all of these dependent claims ultimately depend. Correspondingly, Applicant respectfully asserts that the Examiner has failed to properly establish a *prima facie* case of obviousness, and requests the withdrawal of these rejections, and the allowance of these dependent claims.

H.   Conclusion

In view of the above amendments and remarks, Applicant respectfully requests that the Examiner reconsider this application and withdraw the rejections of record.   Applicant respectfully requests that the Examiner allow the pending claims and pass the present application to issue.   If any issue remains after considering this response, Applicants invite the Examiner to call the undersigned to work out any such issue by telephone.

Respectfully submitted,

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